IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 33094 of 2006(M)

PETITIONER:

SAJITHA, W/O.ABDUL BASHEER,
ANANTHAKATTU PARAMBU VEEDU,
KODAKARA, THRISSUR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. JOINT REGISTRAR,
CO-OPERATIVE SOCIETIES (GENERAL)
AYYANTHOLE, THRISSUR.

3. KODAKARA FARMERS SERVICE,
CO-OPERATIVE BANK, NO.R.-761,
KODAKARA.

BY ADV. SRI.T.N.MANOJ
G.P.SHRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 33094/06.3

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE GOVT. NOTIFICATION NO.35/2003.

P2. COPY OF THE -DO- .51/2003.

P3. COPY OF THE REPRESENTATION DTD.7.3.2005 BEFORE R3.

P4. COPY OF THE -DO- 20.2.2006 BEFORE R2.

P5. COPY OF THE THE JUDGMENT IN W.P.C.NO.16404/06 OF THIS COURT.

P6. COPY OF THE REPRESENTATION DTD.16.8.2006.

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P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.33094 of 2006

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Dated this the 7th day of March, 2007

J U D G M E N T

The petitioner is a member of the third respondent bank, who availed of a loan of Rs.3 lakhs stated to be for an agricultural purpose. The petitioner contends that she has paid all the amounts due. She submits that earlier she was compelled to file a writ petition and this court directed disposal of her application for one time settlement (OTS), as expeditiously as possible. The petitioner's grievance is that although the petitioner again approached the 3rd respondent, they have dismissed the claim for OTS, which according to the petitioner, is for untenable reasons. The petitioner's contention is that if OTS facility had been granted to her, she would be entitled to refund of considerable amounts. The petitioner also complains that the bank has not given her a

detailed statement of accounts; instead they have passed Ext.P6 order stating that no amounts by way of refund is due to the petitioner on any account. The petitioner is challenging Ext.P6 order.

2. The learned Standing Counsel for the third respondent bank would submit that the petitioner has filed this writ petition suppressing the material facts. According to him the loan was not for agricultural purpose. He submits that the petitioner has suppressed the fact that in view of her failure to pay the outstanding amounts in time, she was permitted to convert the loan into a fresh loan, as a result of which, she gained reduction of considerable amount by way of interest and in the above circumstances, she is not entitled to the benefit of OTS. The bank would stoutly support Ext.P6 order.

3. I am not inclined to go into the merits of the rival contentions for the present. Suffice it to direct the third respondent to issue a statement of accounts showing the calculation of the amounts

due from the petitioner to the bank in the loan account and the manner of adjustment of the amounts paid by the petitioner in the loan account. This statement of accounts shall be furnished to the petitioner within two weeks from the date of receipt of a copy of this judgment. The petitioner shall be given an opportunity to file objections to the statement of accounts, which shall be filed within two weeks from the date of receipt of the statement of accounts. If the petitioner files objections, the third respondent shall consider the same and pass final orders within a further period of three weeks from the date of filing of the objections.

Writ petition is disposed of as above.

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